

**LITE DEPALMA GREENBERG & AFANADOR, LLC**

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Attorneys for Plaintiff and the Putative Class

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CHAUTAUQUA SOAP COMPANY, on behalf of itself and all others similarly situated,

Civil Action No.: 23-3249 (WJM)(JSA)

*Plaintiff,*

v.

GIVAUDAN S.A.; GIVAUDAN FRAGRANCES CORPORATION; GIVAUDAN FLAVORS CORPORATION; UNGERER & COMPANY, INC.; INTERNATIONAL FLAVORS & FRAGRANCES INC.; SYMRISE AG; SYMRISE INC.; SYMRISE US LLC; FIRMENICH INTERNATIONAL S.A.; FIRMENICH INCORPORATED; and AGILEX FLAVORS & FRAGRANCES, INC.,

**STIPULATION and ORDER**

*Defendants.*

ALEXIA DAHMES d/b/a ALEXIA VIOLA NAPA VALLEY, individually and on behalf of all others similarly situated,

Civil Action No. 23-3547 (WJM)(JSA)

*Plaintiff,*

v.

FIRMENICH SA, FIRMENICH INCORPORATED, AGILEX FLAVORS & FRAGRANCE, INC., GIVAUDAN SA, GIVAUDAN FRAGRANCES CORPORATION, GIVAUDAN ROURE INC., UNGERER & COMPANY, INC.; CUSTOM ESSENCE INCORPORATED, SYMRISE AG AND SYMRISE INC., AND INTERNATIONAL FLAVORS & FRAGRANCES, INC.,

*Defendants.*

IT IS HEREBY STIPULATED AND AGREED by and among plaintiffs Chautauqua Soap Company (“Chautauqua”) and Alexia Dahmes d/b/a Alexia Viola Napa Valley (“AVNV”) (“Plaintiffs”) and defendants Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, Givaudan Roure Inc., Custom Essence Incorporated,<sup>1</sup> International Flavors & Fragrances, Inc., Symrise, Inc., Symrise US LLC, Firmenich Incorporated, and Agilex Flavors & Fragrances, Inc. (the “Stipulating Defendants”) (collectively, Plaintiffs and Stipulating Defendants are the “Parties”), subject to the reservation of rights contained in paragraph 9 below, as follows:

WHEREAS, on June 13, 2023, Chautauqua filed a putative class action complaint against defendants Givaudan S.A., Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., Symrise US LLC, Firmenich International S.A., Firmenich Incorporated, and Agilex Flavors & Fragrances, Inc. alleging that they conspired to fix prices of certain fragrance products in violation of both Section 1 of the Sherman Act and various state antitrust and consumer protection statutes;

WHEREAS, on June 30, 2023, AVNV filed a putative class action complaint against defendants Firmenich SA, Firmenich Incorporated, Agilex Flavors & Fragrances, Inc., Givaudan SA, Givaudan Fragrances Corporation, Givaudan Roure Inc., Ungerer & Company, Custom Essence Incorporated, Symrise AG, Symrise Inc., and International Flavors & Fragrances Inc., alleging that they conspired to fix prices of certain fragrance products in violation of both Section 1 of the Sherman Act and various state antitrust and consumer protection statutes; and

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<sup>1</sup> AVNV named “Custom Essence Incorporated” as a defendant in its complaint, but the correct entity name is Custom Essence LLC. For purposes of this Stipulation, the Parties have retained the references to “Custom Essence Incorporated” to be consistent with the filed AVNV complaint.

WHEREAS, both above-captioned actions (the “Actions”) present substantially similar questions of fact and law, such that consolidation under Rule 42 of the Federal Rules of Civil Procedure and Local Rule 42.1 will serve the Court, the Parties, and the interests of justice by maximizing efficiency, minimizing redundancies, and eliminating the threat of inconsistent rulings.

NOW THEREFORE, the Parties through their respective counsel and subject to the Court’s approval hereby stipulate and agree that:

1. Pursuant to Fed. R. Civ. P. 42(a), the above-captioned Actions, Civil Actions 23-3249 (WJM)(JSA) and 23-3547 (WJM)(JSA), are hereby consolidated for all purposes.
2. The Clerk shall establish a Docket for the Actions under Civil Action No.: 23-3249 (WJM)(JSA). All papers filed in the Actions shall be filed on the Docket and shall bear the caption:

IN RE: FRAGRANCE INDIRECT PURCHASER  
ANTITRUST LITIGATION

Civil Action No.: 23-3249 (WJM)(JSA)

3. Any indirect purchaser actions related to the Actions that are subsequently filed or transferred to this District, or to be filed or transferred, shall be consolidated herewith.

4. Counsel for the Plaintiffs have met and conferred about the appointment of Interim Class Counsel under Rule 23(g)(3). No later than seven (7) days after entry of this Stipulation and Order, Plaintiffs will submit a proposal regarding the appointment of Interim Class Counsel for the Court’s review and approval.

5. Service shall be deemed complete as to Stipulating Defendants as well as Givaudan S.A., Symrise AG, Firmenich International S.A., and Firmenich SA (collectively, the “Foreign Defendants,” and together with the Stipulating Defendants, “Defendants”) once all Defendants

have been served with the complaint in one of the above-captioned Actions.<sup>2</sup>

6. Plaintiffs shall file a consolidated complaint no later than forty (40) days after service is complete as set forth in paragraph 5.

7. Defendants' time to answer, move, or otherwise respond to the complaints in the above-captioned Actions is suspended pending the filing of the consolidated complaint.

8. After the consolidated complaint is filed, Plaintiffs and Defendants shall meet and confer with respect to a common schedule for Defendants to answer, move, or otherwise respond to the consolidated complaint.

9. Except as to the defense of insufficiency of service of process and insufficiency of process in these Actions, no defense of any of the Defendants, including without limitation defenses based upon lack of personal jurisdiction, is prejudiced or waived by a defendant's executing, agreeing to, joining, or filing this Stipulation.

LITE DEPALMA GREENBERG  
& AFANADOR, LLC  
Attorneys for Plaintiffs

By: /s/ Joseph J. DePalma  
JOSEPH J. DEPALMA

Dated: July 28, 2023

GIBBONS P.C.  
Attorneys for Defendants  
GIVAUDAN FRAGRANCES  
CORPORATION, GIVAUDAN FLAVORS  
CORPORATION, UNGERER &  
COMPANY, GIVAUDAN ROURE INC., and  
CUSTOM ESSENCE INCORPORATED

By: /s/ Kevin R. Reich  
KEVIN R. REICH

Dated: July 28, 2023

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<sup>2</sup> Counsel for the Foreign Defendants have agreed to accept service of all other complaints and subsequent filings after the complaint in one of the above-captioned Actions has been served on each of the Foreign Defendants.

WALSH PIZZI O'REILLY FALANGA LLP  
Attorneys for Defendants  
SYMRISE INC. and SYMRISE US LLC

By: /s/ Liza M. Walsh  
LIZA M. WALSH

Dated: July 28, 2023

DUANE MORRIS LLP  
Attorneys for Defendants  
FIRMENICH INCORPORATED and  
AGILEX FLAVORS & FRAGRANCES,  
INC.

By: /s/ Sean P. McConnell  
**SEAN P. McCONNELL**

Dated: July 28, 2023

SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP  
Attorneys for Defendant  
INTERNATIONAL FLAVORS &  
FRAGRANCES INC.

By: /s/ Tansy Woan  
**TANSY WOAN**

Dated: July 28, 2023

SO ORDERED this 23 day of July, 2023

JESSICA S. ALLEN, U.S.M.J.